



Farm vehicle accidents and TAC claims

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Date: Friday June 10, 2022

If you're injured on a farm while using a farm vehicle, you have the right to claim entitlements from the Transport Accident Commission (TAC). The benefits you're entitled to can include:

- medical expenses;
- lost wages;
- a lump sum payment if your injury becomes permanent;
- as well as pain and suffering damages and economic loss damages if your injury was caused by the negligence of someone else or the farm vehicle was faulty (called a [TAC common law claim](#)).

What is a farm vehicle?

A farm vehicle is any vehicle which can be registered by VicRoads and is defined in the [Road Management Act 1986](#) as one:

"...that is used or intended to be used on a highway and that is built to be propelled by a motor that forms part of the vehicle".

In an agricultural or farm setting, this includes 2-wheel motorbikes, quad motorbikes, side by side vehicles, tractors and harvesting equipment such as headers.

What are the main causes of farm vehicle accidents?

[Research has shown that although quad bike related deaths have decreased between 2000 and 2021](#), due to the introduction of the ACCC Quad Bike Safety Standard, the number of incidents involving tractors and side by side vehicles has remained alarmingly stable. Tractors now account for the leading cause of death and injury on farms.

Furthermore, farm vehicle accidents are the cause of a significantly high rate of injury to children under 15 years of age. These children are also eligible for TAC entitlements.

Does the farm vehicle need to be registered?

To claim entitlements with the TAC, it is crucial that all farm vehicles are registered with VicRoads.

If they are not registered, then the TAC will not pay compensation. This is set out in [section 41A of the Transport Accident Act](#) which states:

“The Commission is not liable to pay compensation in accordance with this Act in respect of a person who is injured or dies as a result of a transport accident involving the driving of an unregistered motor vehicle or unregistered motor vehicle on private land.”

What if the accident occurred on private land?

Whether the accident occurred on public or private land, a claim can still be made with the TAC as long as the vehicle is registered with VicRoads.

Private land is defined at section 41A (2) as:

... any land (whether publicly or privately owned) that –

- 1. is not a highway; and*
- 2. members of the public may not enter or may to remain on without permission.*

What if the accident involved an unregistered vehicle?

If you are injured in a farm vehicle accident involving an unregistered vehicle and therefore unable to claim TAC benefits, there may be other benefits available to you.

Worker's compensation

You may be able to [lodge a WorkCover claim](#) if you are injured during the course of your employment. This can provide benefits like weekly payments, medical expenses and lump sum compensation for permanent impairment.

Public liability claim

A [public liability claim](#) can be brought if someone, such as an owner, occupier or manufacturer owed you a duty of care and failed to exercise their duty of care, causing the accident and injury to happen.

Super TPD and income protection

If you have sustained a permanent injury that is preventing you from working, you may be able to claim the insurance benefits attached to your super fund.

These can include [income protection benefits](#) to compensate for lost wages or a [total permanent disability \(TPD\) lump sum benefit](#) if you are unable to return to work at all. It's important to note that, to claim TPD and income protection benefits, it doesn't matter where and how your injury occurred. The primary determining factor is your ability to continue working, whether that work was on the farm or not.

How do I claim TAC after a farm accident?

If you sustain an injury through the use of a registered farm vehicle, a claim should be lodged with the TAC as soon as possible. There is a strict 12-month deadline in which to lodge claims. If this deadline is missed, your claim will not be able to be accepted.

To lodge a claim, you should call the TAC on [1300 654 329](tel:1300654329).

Alternatively, you can lodge a claim through the [TAC online lodgement form](#).

Make sure when lodging a claim, that you have all of the relevant information to hand including:

- Accident details such as location, circumstances and injuries.
- Details of the vehicles involved, such as registration numbers, vehicle type and occupants of the vehicles.
- Details of any witnesses to the accident.
- Details of any police officers who attended the accident.

Once your claim is lodged, the TAC will assess your claim and confirm their acceptance or rejection of your claim in writing.

If your claim is accepted, your benefits will commence. If your claim is rejected, you should seek legal advice immediately.

[Call us today to start your claim: 1300 700 761](tel:1300700761)

What benefits am I entitled to?

Once your claim is accepted, your entitlements include;

- medical and like expenses such as doctors' visits, hospital and rehabilitation expenses, psychology and physiotherapy expenses and medication.
- Loss of earnings payments at 80% of your pre-injury income for 18 months. These payments can continue for a further 18 months if you are still unable to work due to your injury.
- A lump sum payment if your injuries become permanent.

Further, if your injuries occurred as a result of negligence, you may be entitled to bring a common law claim for pain and suffering and economic loss if you have reduced work capacity.

Why should I get legal advice from a TAC lawyer?

Getting legal advice is crucial if you have sustained an injury as a result of a farm vehicle accident. At Guardian Injury Law we are experts in motor vehicle accident claims and can ensure that you are receiving all your correct entitlements as well as maximising your lump sum compensation payouts.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

enquiries@guardianinjurylaw.com.au

Amber Community – road trauma support services Victoria

At Guardian Injury Law, we are committed to using a trauma-informed approach with all our clients and actively working with their support network after involvement in a road accident in Victoria.

If you are seeking assistance and support to address the trauma you are experiencing as a result of a motor vehicle accident, we recommend contacting [Amber Community](#).

Amber Community is a not-for-profit organisation that facilitates various support options for people affected by road trauma to contribute to the safety and wellbeing of Victorian road users. Amber Community can be contacted on [1300 367 797](tel:1300367797).

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.